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*Attorneys for Defendants*  
*Lupin Pharmaceuticals, Inc. and Lupin Ltd.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

\_\_\_\_\_  
ROCHE PALO ALTO LLC, GILEAD PALO  
ALTO, INC. and GILEAD SCIENCES, INC.,

Plaintiffs,

v.

LUPIN PHARMACEUTICALS, INC. and  
LUPIN LTD.,

Defendants.

)  
)  
)  
) Civ. A. No. 2:10-03561 (ES) (CLW)  
)

) **NOTICE OF DEFENDANTS' MOTION**  
) **FOR SUMMARY JUDGMENT OF**  
) **INVALIDITY**

) **DOCUMENT FILED ELECTRONICALLY**  
)

) RETURN DATE: DECEMBER 3, 2012  
)

) **ORAL ARGUMENT REQUESTED**  
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**PLEASE TAKE NOTICE** that on December 3, 2012, or as soon thereafter as counsel may be heard, the undersigned counsel for Defendants Lupin Ltd. (“Lupin Ltd.”) and Lupin Pharmaceuticals, Inc. (“LPI”) (collectively, “Lupin”) shall appear before the Honorable Esther Salas, U.S.D.J., Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07102, and shall move this Court, in accordance with Fed. R. Civ. P. 56 and L. Civ. R. 56.1 for summary judgment of invalidity of the Asserted Claims: U.S. Patent No. 6,303,607 (“the ’607 patent”) claim 1; U.S. Patent No. 6,503,911 (“the ’911 patent”) claims 1-4; U.S. Patent No. 6,525,057 (“the ’057 patent”) claims 1-9; U.S. Patent No. 6,617,328 (“the ’328 patent”) claims 1-10, 16-26, 28, 31-32; and U.S. Patent No. 6,864,258 (“the ’258 patent”) claims 1-4, 6-13.

**PLEASE TAKE FURTHER NOTICE** that in support of the within application, Lupin shall rely on its Brief, Local Civil Rule 56.1 Statement of Material Facts Not in Dispute and the Declaration of Jeffrey Marx, Esq. with exhibits annexed thereto filed contemporaneously herewith, and any papers filed in reply to any opposition hereto, and oral argument, if any.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is also submitted herewith for the Court's consideration.

**PLEASE TAKE FURTHER NOTICE** that this motion is being submitted pursuant to the Court's September 26, 2012, Amended Pretrial Scheduling Order. (ECF No. 163).

**PLEASE TAKE FURTHER NOTICE** that Lupin requests oral argument on this motion.

Respectfully submitted,

Dated: October 12, 2012

**SAIBER LLC**  
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Pharmaceuticals, Inc. and Lupin Ltd.

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